

Minutes
Malibu Public Works Commission
Special Meeting

Thursday, April 4, 2002

Malibu City Hall

7:00 p.m.

Call to Order

Co-Chair Hugh D. Wallace called the meeting to order at 7:05 p.m..

Roll Call

The Public Works Director recorded the following persons in attendance:

Present: Hugh D. Wallace, Eric Jacobson and Libby Sparks

Also present: Charles Bergson, Director of Public Works

Absent: William Stump, Commissioner and Cheryl Pedinoff, Recording Secretary.

Flag Salute

Commissioner Hugh D. Wallace led the Flag Salute at 7:20 p.m.

Approval of Agenda

Motion to approve the agenda by a unanimous vote. Passed 3-0.

1. Written and Oral Communications from the Public

None

2. Staff Reports/Commission Member Reports and inquiries

None

3. Approval of Minutes

Motion to approve the minutes of February 27, 2002 by Commissioner Chair Libby Sparks-Lippman and seconded by Commissioner Wallace. Passed 3-0.

4. Old Business

A. Wireless Facilities Ordinance Status Report

Director Bergson presented an overview of the Wireless Telecommunications Ordinance draft. Sections 1-8 were reviewed and discussed by the Public Works Director and reviewed by the Public Works Committee and members of the Public for clarification.

Director Bergson discussed the controlling factors in establishing the guidelines for the public right-of-way. The staff combined ordinances from coastal city's that are environmentally equal to Malibu. The goals of the ordinance as discussed by Director Bergson, are meant to preserve the pre-existing environment of Malibu. Definitions as listed in the ordinance include but are not limited to the following:

- Co-location,
- Site development,
- Safety of pedestrians and equestrians,
- Application process – legal noticing requirements,
- Renewal requirements – including facilities review,
- Maintenance requirements,
- Abandoned facilities and security,
- Submitting a master plan from each wireless telecommunications company interested in installing a telecommunication system in the City of Malibu,
- Indemnification - The ordinance will be sent to the City Attorney for review.

The Wireless Telecommunications Ordinance legalities are subsequent to the Public Works Commission review and recommendation

Commission Chair Sparks Calls for Public Comment

Dean Brown, Planning Consortium and Sprint PCS Rep., Mr. Brown submitted a report to the Public Works Commission for review. This report was not available for review prior to this meeting. Mr. Brown voiced the growing concern that Sprint PCS has over the ten suspended applications and commented that this permit suspension Sprint PCS to lose competitive status.

Mr. Brown discussed many points of concern to Sprint PCS in regards to the wireless facilities ordinance.

- ✓ Municipal Code 9.3.20 – stated that this code has been neglected in the preparation of the wireless ordinance.
- ✓ Sprint PCS believes that wireless companies are fully regulated and there is no distinction between wireless and other utilities, and that the same rights should exist through 7091.
- ✓ Site collection requires co location on existing utility poles. This is approved and regulated by the Joint Pole Commission.
- ✓ Edison Wireless does not want more than one on each pole.
- ✓ Each carrier has separate requirements and objections, especially underground and visual clutter.
- ✓ 2A) No setback standards exist within the public right-of-way. Zoning needs to be looked at.
- ✓
- ✓ 3A) Commented that in reference to the five year master plan:" that program factors, changing technology, and economic forces can change month to month.
- ✓ 3B) Commented on the legal ability of the City to keep proprietary information

confidential under the Freedom of Information Act and wants clarification from the City Attorney.

- ✓ 3C) Design - Is in agreement of this policy and that the sites should be as unobtrusive as possible.
- ✓ 3C-6) Commented on problems with maximum height requirements and directed comments to private property under the ordinance. Mr. Brown commented that rural requirements are 18 feet and the existing utility pole maximum height is 26-35 feet. Mr. Brown agreed that we should not exceed the existing maximum height requirements.
- ✓ Application process – Mr. Brown agreed with the sixty day noticing requirements
- ✓ Site plan review – Mr. Brown suggested that site plan review should be discretionary and that notice of a hearing should be sent two to three weeks in advance. Also suggested was that the Public Works Director conduct the inspections eliminating a review process and that the Public Works Director should review on an ongoing basis, with application every five to ten years..
- ✓ Five-year master plan – Mr. Brown stated providing a five-year plan is difficult and many reviews and permit renewals will be involved. Mr. Brown wanted to know if the existing seventeen sites would be affected by the new ordinance.
- ✓ Abandonment and security deposit – According to Mr. Brown the Joint Pole Commission will force removal of pole electronic equipment and this equipment is valuable. Commented that when Metricom went bankrupt a bond collection was not available.
- ✓ Commission Chair Sparks asked what was the point of comments on security.
- ✓ Mr. Brown commented that security deposits are not necessary, in his opinion, because the Joint Pole Commission is in charge of abandoned equipment.
- ✓ Director Bergson speaks for the record that residents submitted documents' regarding coverage surveys and that this information was submitted into the file.
- ✓ Chair Sparks commented that Mr. Brown has exceeded the time limit and calls for further public comment
- ✓ Alan Llorens, SCE Telecommunications, Commented on the inconsistencies of the ordinance language
- ✓

Co-Chair called for final questions.

No further questions

No motion made at this time.

4. Old Business

Co-Chair calls for comments

Co Chair Calls for motion

5. New Business
None

6. Commission Business
None.

Adjournment: Motion to adjourn the meeting at 9:06 p.m. by Commission Chair Wallace, seconded by Commissioner Jacobson.

Approved and adopted by the Public Works Commission of Malibu on July 23, 2002

William Stump, Interim Chair, Public Works Commission.

Attest:

Melanie Irwin, Recording Secretary